Kevin R. McCarthy, VSB No. 14273
McCarthy & White, PLLC
1751 Pinnacle Drive – Suite 1115
McLean, VA 22102
703-770-9261
krm@mccarthywhite.com
Attorneys for Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:	*	
	*	CASE NO. 11-17988-RGM
Tony Bonilla	*	(Chapter 7)
Debtor(s).	*	

OBJECTION TO EXEMPTIONS AND NOTICE OF OPPORTUNITY TO OBJECT

A. OBJECTION. Kevin R. McCarthy, Trustee, by and through counsel, pursuant to Fed. R. Bankr. P. 4003(b), objects to the Debtor's claim of exemptions for his 2011 federal and state tax refunds on two grounds. First, the Debtor did not list federal and state refunds in Schedule C. Second, the Debtor filed a homestead deed claiming an exemption of $1.00 in federal and state refunds, but did not file the homestead deed until six days after the Section 341 meeting on December 14, 2011. The recorded homestead deed is attached as Exhibit A. This was, unfortunately for the Debtor, one day after the deadline imposed by VA Code § 34-17, which requires a householder to "set such real or personal property apart on or before the fifth day after the date of the meeting held pursuant to 11 U.S.C. § 341, but not thereafter." As a result, a prorated portion of the Debtor's 2011 federal and state tax refunds based on his petition date of November 4, 2011—83.33%--is non-exempt and must be turned over to the Trustee when received.

Wherefore the Trustee asks the Court to enter the attached Order.

B. NOTICE OF OPPORTUNITY TO OBJECT

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the Objection, or if you want the court to consider your views on the Objection, then **ON OR BEFORE January 30, 2012** you or your attorney must do the following checked items:

X File with the court, at the address shown below, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the Objection as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must **also** mail a copy to the persons listed below. The address for the court is as follows:

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, Virginia 22314

X A copy of any written response must be mailed to the following persons:

Kevin R. McCarthy
McCarthy & White, PLLC
1751 Pinnacle Drive – Suite 1115
McLean VA 22102

Office of the United States Trustee
115 South Union Street, Suite 210
Alexandria VA 22314

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Date of Mailing: 01/13/2012 Respectfully submitted,

/s/ Kevin R. McCarthy
Kevin R. McCarthy, VSB No. 14273
McCarthy & White, PLLC
1751 Pinnacle Drive – Suite 1115
McLean, VA 22102
(703) 770-9261 (phone)
krm@mccarthywhite.com
Attorneys for Trustee

Certificate Of Service

I hereby certify that on the 13th day of January, 2012 a copy of the foregoing and the attached proposed Order was served through the court's ECF system on all registered ECF participants who have appeared in this case and by mail on:

Tony Bonilla
102 Charing Ct.
Sterling VA 20164

Martin C. Conway
The Martin Conway Law Firm, PC
4391 Ridgewood Center Drive, Suite E
Woodbridge, VA 22192

/s/ Kevin R. McCarthy
Kevin R. McCarthy